



General Assembly

February Session, 2006

Raised Bill No. 5733

LCO No. 2694

02694_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

***AN ACT CONCERNING MANDATORY FACT-FINDING CONFERENCES
CONDUCTED BY THE COMMISSION ON HUMAN RIGHTS AND
OPPORTUNITIES AND THE DUTIES OF THE CHIEF HUMAN RIGHTS
REFEREE.***

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Subsection (c) of section 46a-83 of the 2006 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2006*):

4 (c) The executive director of the commission, or [his] the executive
5 director's designee, shall determine the most appropriate method for
6 processing any complaint pending after review in accordance with
7 subsection (b) of this section. The commission may conduct mandatory
8 mediation sessions, [expedited or extended] mandatory fact-finding
9 conferences or complete investigations, or any combination thereof,
10 during the investigatory process for the purpose of finding facts,
11 promoting the voluntary resolution of complaints or determining if
12 there is reasonable cause for believing that a discriminatory practice
13 has been or is being committed as alleged in the complaint. As used in
14 this section and section 46a-84, as amended by this act, [reasonable

15 cause] "reasonable cause" means a bona fide belief that the material
 16 issues of fact are such that a person of ordinary caution, prudence and
 17 judgment could believe the facts alleged in the complaint. A complaint
 18 may be dismissed if a complainant, after notice and without good
 19 cause, fails to attend a mandatory mediation session. A mediator may
 20 recommend, but not order, a resolution of the complaint. A complaint
 21 may be dismissed if a complainant, after notice and without good
 22 cause, fails to attend a mandatory fact-finding conference. A complaint
 23 may be dismissed if the respondent has eliminated the discriminatory
 24 practice complained of, taken steps to prevent a like occurrence in the
 25 future and offered full relief to the complainant, even though the
 26 complainant has refused such relief.

27 Sec. 2. Subsection (i) of section 46a-83 of the 2006 supplement to the
 28 general statutes is repealed and the following is substituted in lieu
 29 thereof (*Effective October 1, 2006*):

30 (i) The executive director of the commission, or [his] the executive
 31 director's designee, may enter an order of default against a respondent
 32 who: (1) [who, after] After notice, fails to answer a complaint in
 33 accordance with subsection (a) of this section or within such extension
 34 of time as may have been granted; [or (2) who] (2) fails to answer
 35 interrogatories issued pursuant to subdivision (11) of section 46a-54, as
 36 amended, or fails to respond to a subpoena issued pursuant to
 37 subsection (h) of this section and subdivision (9) of section 46a-54, as
 38 amended, provided the executive director, or [his] the executive
 39 director's designee, shall consider any timely filed objection; or (3)
 40 [who,] after notice and without good cause, fails to attend a mandatory
 41 mediation session or a mandatory fact-finding conference. Upon entry
 42 of an order of default, the [executive director or his designee] Chief
 43 Human Rights Referee shall appoint a presiding officer to enter, after
 44 notice and hearing, an order eliminating the discriminatory practice
 45 complained of and making the complainant whole. The commission or
 46 the complainant may petition the Superior Court for enforcement of
 47 any order for relief pursuant to section 46a-95.

48 Sec. 3. Subsection (b) of section 46a-84 of the general statutes is
49 repealed and the following is substituted in lieu thereof (*Effective*
50 *October 1, 2006*):

51 (b) Upon certification of the complaint, the [executive director of the
52 commission or his designee] Chief Human Rights Referee shall
53 appoint a hearing officer, hearing adjudicator or human rights referee
54 to act as a presiding officer to hear the complaint or to conduct
55 settlement negotiations and shall cause to be issued and served in the
56 name of the commission a written notice, together with a copy of the
57 complaint, as the same may have been amended, requiring the
58 respondent to answer the charges of the complaint at a hearing before
59 the presiding officer or hearing adjudicator at a time and place to be
60 specified in the notice, provided such hearing shall be commenced by
61 convening a hearing conference not later than forty-five days after the
62 certification of the complaint. The hearing shall be a de novo hearing
63 on the merits of the complaint and not an appeal of the commission's
64 processing of the complaint prior to its certification. The hearing shall
65 proceed with reasonable dispatch and be concluded in accordance
66 with the provisions of section 4-180.

67 Sec. 4. Subsection (a) of section 46a-94a of the general statutes is
68 repealed and the following is substituted in lieu thereof (*Effective*
69 *October 1, 2006*):

70 (a) The Commission on Human Rights and Opportunities, any
71 respondent or any complainant aggrieved by a final order of a
72 presiding officer or any complainant aggrieved by the dismissal of
73 [his] such complainant's complaint by the commission for failure to
74 attend a mandatory mediation session or a mandatory fact-finding
75 conference as provided in subsection (c) of section 46a-83, as amended
76 by this act, a finding of no reasonable cause as provided in subsection
77 (d) of [said] section 46a-83, as amended, or rejection of reconsideration
78 of any dismissal as provided in subsection (e) of [said] section 46a-83,
79 as amended, may appeal therefrom in accordance with section 4-183.

80 The court on appeal shall also have jurisdiction to grant to the
81 commission, respondent or complainant such temporary relief or
82 restraining order as [it] the court deems just and suitable, and in like
83 manner to make and enter a decree enforcing or modifying and
84 enforcing as so modified or setting aside, in whole or in part, the order
85 sought to be reviewed.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	46a-83(c)
Sec. 2	<i>October 1, 2006</i>	46a-83(i)
Sec. 3	<i>October 1, 2006</i>	46a-84(b)
Sec. 4	<i>October 1, 2006</i>	46a-94a(a)

Statement of Purpose:

To provide for mandatory fact-finding conferences conducted by the Commission on Human Rights and Opportunities, to allow the commission to enter an order of default or dismiss a complaint for failure to attend any such conference, to provide appellate relief for any such order or dismissal and to clarify the duties of the Chief Human Rights Referee with respect to the appointment of presiding officers.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]